

TITLE 8. EMERGENCY AND MILITARY AFFAIRS**CHAPTER 3. DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS
DIVISION OF MILITARY AFFAIRS**

(Authority: A.R.S. §§ 26-102 and 26-127)

This Chapter contains rules which were repealed under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 (as substantiated by Attorney General Opinion I87-061). Exemption from the Administrative Procedure Act means that the Governor's Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State's office for publication in the Arizona Administrative Register; and the Department did not hold public hearings on the changes. Because this Chapter contains exempt rules, it is being printed on blue paper.

This Chapter contains rules which were adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion I87-061. Exemption from the Administrative Procedure Act means that the Governor's Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule. Because this Chapter contains exempt rules, the Chapter is being printed on blue paper.

ARTICLE 1. REPEALED

Article 1, consisting of Sections R8-3-101 through R8-3-104, repealed under an exemption from the provisions of A.R.S. Title 41, Chapter 6, effective March 25, 1998 (Supp. 98-1).

ARTICLE 2. RANGES AND TRAINING SITES

Section

R8-3-201.	Purpose
R8-3-202.	Non-military "Organizations"
R8-3-203.	Personal Use of Firing Ranges
R8-3-204.	Planning and Scheduling
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Exhibit 1.	Non-exclusive License Agreement to Use Ranges, Training Areas, and Facilities

Article 1 was repealed under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion I87-061. Exemption from the Administrative Procedure Act means that the Governor's Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State's Office for publication in the Arizona Administrative Register; and the Department did not hold public hearings on the rulemaking action.

ARTICLE 1. REPEALED**R8-3-101. Repealed****Historical Note**

Adopted effective January 29, 1982 (Supp. 82-1).
Repealed effective February 3, 1998, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001(1) as determined by Attorney General Opinion I87-061; filed in the Secretary of State's office March 25, 1998 (Supp. 98-1).

R8-3-102. Repealed**Historical Note**

Adopted effective January 29, 1982 (Supp. 82-1).
Repealed effective February 3, 1998, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001(1) as determined by Attorney General Opinion I87-061; filed in the Secretary of State's office March 25, 1998 (Supp. 98-1).

R8-3-103. Repealed**Historical Note**

Adopted effective January 29, 1982 (Supp. 82-1).
Repealed effective February 3, 1998, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001(1) as determined by Attorney General Opinion I87-061; filed in the Secretary of State's office March 25, 1998 (Supp. 98-1).

R8-3-104. Repealed**Historical Note**

Adopted effective September 27, 1985 (Supp. 85-5).
Repealed effective February 3, 1998, under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001(1) as determined by Attorney General Opinion I87-061; filed in the Secretary of State's office March 25, 1998 (Supp. 98-1).

ARTICLE 2. RANGES AND TRAINING SITES

The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion I87-061. Exemption from the Administrative Procedure Act means that the Governor's Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.

R8-3-201. Purpose

This Article is intended to outline the special policies and procedures established for non-military users of ranges (including indoor), training areas, and facilities controlled or operated by the Arizona Army National Guard.

Historical Note

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion I87-061. Exemption from the Administrative Procedure Act means that the Governor's Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State's Office for publication in the Arizona Administrative Register; the Department did

not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.

R8-3-202. Non-military “Organizations”

- A. All non-military organizations are required to execute AGO Form 350-6-1-R, “Nonexclusive License to Use Ranges, Training Areas, and Facilities”, prior to any use. Arizona National Guard members and their dependents are exempt from this requirement.
- B. AGO Form 350-6-1-R license agreements will be approved for periods not to exceed six months. Longer agreements will be negotiated separately. See AGO Form 350-6-1-R at the end of this Article.
- C. Non-military organizations are required to provide proof of liability insurance in the amount of \$1,000,000/\$1,000,000 for bodily injury and \$100,000 for property damage.
- D. All non-military organizations will be subject to having an AZ ARNG safety officer present as a precondition of approval to conduct certain training, testing, or operations as determined by the Arizona Army National Guard. Whenever a safety officer is required, the using organization will reimburse the Arizona Army National Guard for the pay and allowances of the safety officer.

Historical Note

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion 187-061. Exemption from the Administrative Procedure Act means that the Governor’s Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State’s Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.

R8-3-203. Personal Use of Firing Ranges

- A. Arizona National Guard members and their dependents. Limited use of firing ranges is authorized for active and retired members of the Arizona National Guard and their dependents. Use will be on a non-interference basis. To be eligible, the following safety provisions must be satisfied:
 1. The National Guard member will serve as sponsor to the member’s dependents and must be present during all shooting.
 2. The National Guard member must be safety certified within the past year to use firing ranges personally or to serve as sponsor for the member’s dependents. Certification classes are conducted monthly by the Training Site Support Division with the assistance of members of the State Marksmanship Team. For class schedule, call (602) 267-2651.
- B. All other persons. The personal use of firing ranges by individual shooters is prohibited except for members of the Arizona National Guard and their dependents as described above. All other persons must be members of an organization which holds the aforementioned insurance coverage and has executed AGO Form 350-6-1-R, non-exclusive license agreement.

Historical Note

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion 187-061. Exemption from the Administrative Procedure Act means that the Governor’s Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State’s Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.

Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion 187-061. Exemption from the Administrative Procedure Act means that the Governor’s Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State’s Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.

R8-3-204. Planning and Scheduling

- A. Planning and scheduling is done in accordance with AZ ARNG Pam 350-6. Non-military use will be scheduled so as not to interfere with military training. Military training has priority over all users.
- B. Confirmation. The proponent agency for this regulation will insure written confirmation to requesting organizations in a timely manner. Once a training range, site, or area has been requested, follow-up coordination is the responsibility of the requesting organization. Allow 15 days for the request to be processed. Fees must be paid at the time of application. Coordination can be made by telephone: commercial (602) 267-2651 or DSN 853-2651.
- C. Cancellations. Using organizations must make notice of cancellation known immediately to insure prompt availability to others. Likewise, the Arizona Army National Guard will make speedy notification to users of any forced cancellation of approved requests. No refund of fees will be made if the range is cancelled by the requester within 72 hours of the scheduled event.

Historical Note

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion 187-061. Exemption from the Administrative Procedure Act means that the Governor’s Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State’s Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.

R8-3-205. Range Fees

Range fees offset the cost of range maintenance and operations.

1. No Fees Due. Arizona National Guard members and their dependents do not pay range fees.
2. Fees Due. Non-military organizations must pay range fees.
3. Fee Schedule. Fees are \$2.00 per person, per day, per use, for outdoor ranges and \$4.00 per person, per day for indoor ranges. Fees will be made payable to “Treasurer of the United States” and must accompany the training request form.

Historical Note

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

The following Section was adopted under an exemption from the rulemaking provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1001 as substantiated by Attorney General Opinion 187-061. Exemption from the Administrative Procedure Act means that the Governor’s Regulatory Review Council did not review the rule; the Department did not submit the rule to the Secretary of State’s Office for publication in the Arizona Administrative Register; the Department did not hold public hearings on the rulemaking; and the Attorney General has not certified the rule.

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R8-3-206. Other User Fees

Using organizations are subject to reimbursable costs associated with their scheduled use of Arizona Army National Guard ranges, training areas, and facilities. Costs normally charged back to the user include electricity, phone service, water, gas, linen service, portable latrines, and the like. Such charges are assessed on a pro

rata basis. When levied, such charges are computed by the Arizona Army National Guard and agreed to in advance by the requesting organization.

Historical Note

Adopted effective January 31, 1994, pursuant to an exemption from the provisions of the Arizona Administrative Procedure Act (Supp. 94-1).

Exhibit 1. Non-exclusive License Agreement to Use Ranges, Training Areas, and Facilities

**ARIZONA ARMY NATIONAL GUARD
NON-EXCLUSIVE LICENSE AGREEMENT
TO USE
RANGES, TRAINING AREAS, AND FACILITIES
AGREEMENT NO. _____**

This License AGREEMENT, made and entered into this _____ day of _____, 19____ by and between the Adjutant General of the Arizona National Guard and _____, hereinafter referred to as licensee;

WITNESSETH;

The Adjutant General, in consideration of \$1.00 and other good and valuable consideration, hereby grants a non-exclusive license to the licensee to use the ranges, training areas, and facilities described in the Arizona Army National Guard (AZ ARNG) TRAINING SITE REQUEST form, a copy of which is attached hereto.

This non-exclusive license is granted to the licensee upon the following terms and conditions:

1. Licensee shall comply with AZ ARNG Regulation 350-6, AZ ARNG Pamphlet 350-6, and all applicable statutes, laws, ordinances, rules, and regulations of the United States and those adopted by the state, city, other body politic, and the Arizona Army National Guard which pertain to the use of the ranges, training areas, and facilities described in the attached TRAINING SITE REQUEST form;
2. The licensee shall pay the applicable fee as established in AZ ARNG Regulation 350-6;
3. The licensee shall not use any other ranges, training areas, and facilities not listed on the attached TRAINING SITE REQUEST form;
4. This non-exclusive license is personal to the licensee and may only be used by the licensee and its members and the permission to use the ranges, training areas, and facilities may not be assigned or transferred to any other person without the prior written consent of the Adjutant General;
5. Upon completion of the use of the ranges, training areas, and facilities, the licensee shall promptly remove all of the licensee's equipment from the same;
6. Licensee shall not offer nor permit any intoxicating or alcoholic beverage to be sold, offered for sale, exposed for sale, stored, given away, or otherwise disposed of, or consumed in or upon the ranges, training areas, and facilities covered by this agreement nor upon any state or federal property connected to the same;
7. The licensee shall provide liability insurance and a certificate of same shall be filed with the Training Site Support Division, Office of the Deputy Chief of Staff for Plans Operation and Training of the Arizona Army National Guard *prior to the time of signing this agreement*. Insurance coverage shall be provided in the minimum limits of \$1,000,000/\$1,000,000 for bodily injury and \$100,000 for property damage and shall show the United States of America, State of Arizona, and the Arizona National Guard as additional insureds;
8. The licensee agrees to indemnify and save harmless the United States of America, the Adjutant General of the State of Arizona, the State of Arizona, the Arizona National Guard and their officers, agents, and employees against any and all loss, damage, injury, or liability that may be suffered or incurred by them or any of them, caused by or arising out of or any way connected with the use of the aforementioned ranges, training areas, and facilities or any part thereof, or any state or federal property attached thereto, by the licensee or any of the licensee's members or associates;
9. The permission granted hereunder to use the designated ranges, training areas, and facilities may be revoked at any time by the Adjutant General;
10. The licensee understands and agrees that he does not and shall not at any time have or claim any interest or estate of any kind or extent whatsoever in the ranges, training areas, and facilities requested and approved herein by virtue of this non-exclusive license or the licensee's occupancy or use hereunder;
11. It is understood and agreed that the licensee's permission to use the ranges, training areas, and facilities covered by this non-exclusive license shall begin on the ____ day of _____, 19 ____ and shall expire on the ____ day of _____, 19 ____ unless sooner terminated by the Adjutant General.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands, the day and year first above written.

THE ADJUTANT GENERAL

By _____
By _____

The printed portion of this Non-exclusive License to use ranges, training areas, and facilities, AGO Form 350-6-1-R (JAN 93), is approved as to form this 10th day of December, 1992. This approval is revoked if the printed portion is altered in any respect or if any addition is made to that portion other than to fill in the blank spaces as appropriate.

GRANT WOODS
Attorney General
by /s/ CHARLES S. PIERSON
Assistant Attorney General

AGO FORM 350-6-1-R (JAN 93) (Supercedes AGO Form 350-6-1, dated 1 DEC 85)

Historical Note

Adopted pursuant to an exemption from the provisions of the Administrative Procedure Act, effective January 31, 1994 (Supp. 94-1).